

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF BRIDGEWATER, CHAPTER 40 "SUBSTANCES, HAZARDOUS" TO ADD SECTIONS RELEVANT TO REIMBURSEMENT OF COSTS TO THE TOWNSHIP AND VIOLATIONS AND PENALTIES

WHEREAS, the Township of Bridgewater Office of Emergency Management recommended to amend Chapter 40 of the Code of the Township of Bridgewater to provide a procedure to recoup costs associated with the cleanup of hazardous substance spills; and

WHEREAS, the Township of Bridgewater Counsel deems it advisable, necessary, and in the public interest to amend the ordinance to update its provisions concerning reimbursement to the Township for costs associated with hazardous substance spill cleanup.

THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Bridgewater in the County of Somerset and State of New Jersey the following:

Section I

Chapter 40, Article I of the Municipal Code of the Township of Bridgewater be amended as follows (additions are written **thusly** and deletions are written ~~thusly~~):

§ 40-1 Definitions.

In this article, the following words and phrases shall have the following meanings:

CLEANUP AND REMOVAL COSTS

All costs incurred by the Township and/or the volunteer first aid and rescues squad organizations and volunteer fire companies which serve Bridgewater Township in the removal or attempted removal of any hazardous substance; or the taking of reasonable measures to prevent or mitigate damages to public health, safety or welfare, including, but not limited to, public and private property, surface waters, subsurface waters, water columns and bottom sediments, soils and other affected property, including wildlife and other natural resources.

DISCHARGE

Any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of any hazardous substance into the water, onto the land, or into the air.

HAZARDOUS SUBSTANCE

Any elements and compounds, including petroleum products, which are defined as such by the Department of Environmental Protection of the State of New Jersey or as are defined in the N.F.P.A, Guide of Hazardous Materials or as are set forth in the list of hazardous substances adopted by the Federal Environmental Protection Agency, or as are defined on the list of toxic pollutants designated by the United States Congress or the Federal

Environmental Protection Agency. This definition shall also include substances that the Emergency Management Coordinator of the Township reasonably believes based on information obtained at the site of any discharge may be hazardous substances.

MATERIALS

All materials, including, but not limited to, fire-fighting foam, chemical extinguishing agents, absorbent materials, sand recovery drums, and specialized protective equipment such as acid suits, acid gloves, goggles and protective clothing.

PERSON

Any public or private corporation, company, association, society, firm, partnership, joint stock company, limited-liability company, individual or other entity.

PETROLEUM PRODUCTS

Oil or petroleum of any kind and in any form, including, but not limited to, oil, petroleum, gasoline, kerosene, fuel oil, oil sludge, oil refuse, oil mixed with other wastes, crude oils, and substantives or additives utilized in the refining or blending of crude, petroleum or petroleum stock.

VOLUNTEER AND EMPLOYEE COSTS

All costs incurred by the Township and/or the volunteer first aid and rescue squad organizations and volunteer fire companies which serve Bridgewater Township, including, but not limited to, the following: The Township employee's hourly rate shall be 200% of the employee's hourly salary which shall be established by ordinance. For volunteer first aid, rescue squads, and volunteer fire companies, the hourly rate for the afore-described volunteers shall be \$35 per hour. Cost of equipment and its operation, cost of materials, and the cost of any outside contract for labor and materials which may be awarded by the Township or entered into by the aforementioned rescue squad organizations and fire companies. A voucher shall be submitted to the person as hereinafter defined which shall identify the personnel performing the service, each date the service was performed, the hours spent in one-quarter increments, the hourly rate, and expenses incurred.

§ 40-2 Cleanup and removal of discharges.

The Township and volunteer first aid and rescue squads and volunteer fire companies serving the Township of Bridgewater may undertake cleanup. The Township and the aforementioned volunteer organizations and companies are hereby authorized to clean up and remove any discharge of hazardous substances but not to exceed level one (first responder awareness and first responder operational) which occurs within the Township, or outside the boundaries of the Township when authorized by agreement between the Township and the governing body of any other municipality.

§ 40-3 Persons causing discharge liable for costs.

Any person who causes, by act or omission, or is otherwise responsible for a discharge of any hazardous substance which is cleaned up or abated by the Township or the aforementioned volunteer organizations and companies, including the owner of real or

personal property from which a discharge of hazardous substances occurs, shall be responsible for the payment of all cleanup and removal costs and all volunteer employee costs incurred by the Township and the aforementioned volunteer organizations and companies as a result of such cleanup or abatement. The remedy provided by this section shall be in addition to any other remedies provided by law.

§ 40-4 Administration.

The Township Office of Emergency Management will be responsible for collecting the data and preparing the reimbursement request to the responsible party. The Township of Bridgewater will add an administrative fee of 10% to the reimbursement request to cover the cost associated with the preparation of the reimbursement request. Upon receipt, the 10% administrative fee will be dedicated to the Office of Emergency escrow account to assist the Township in preparing for future emergencies.

§ 40-5 Period for Payment.

Any person, owner or company responsible for any fire, leak or spill of hazardous substance shall reimburse the Township of Bridgewater for the full price of any expendable items used to extinguish such a fire, to stop or contain such a leak or to control such a spill within a period of 45 days after receipt of a bill for such items from the Township of Bridgewater.

§ 40-6 Violations and penalties.

Any person, owner or company responsible for any fire, leak or spill of hazardous substance who fails to reimburse the Township of Bridgewater within the time set forth in this article shall be subject to a fine of not less than \$50 nor more than \$100 per day or by imprisonment for a period of not more than six months, or both.

Section II

All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section III

If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this section, paragraph, subdivision, clause, or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section IV

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law.

Adopted: May 23, 2024

Effective: June 12, 2024